GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:350
ANSWERED ON:25.02.2016
Foreign Law Firms
Marutharajaa Shri R.P.

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the present status of grant of permission to the foreign law firms for practicing in India;
(b) whether the Government is aware of Supreme Court direction to the Reserve Bank of India against any permission to such foreign law firms;
(c) if so, the details thereof along with the reaction of the Government thereto;
(d) whether the Government has received protests from various quarters including the Bar Council of India against grant of such permission; and
(e) if so, the response of the Government thereto?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI D.V. SADANANDA GOWDA)

(a) : The matter regarding entry of foreign lawyers/law firms to practice the profession of law in India is under consideration of the Government in consultation with the Bar Council of India, a statutory body under the Advocates Act, 1961.

(b) and (c) : Yes Madam. The Bar Council of India has filed SLP (Civil) No. 17150-17154 of 2012 titled Bar Council of India Vs. A.K. Balaji and Ors. before the Hon'ble Supreme Court of India against the order dated 21.02.2012 of Hon'ble High Court of Madras in Writ Petition No. 5614 of 2010. The Hon'ble Supreme Court vide its order dated 04.07.2012 has issued notice to all the concerned and directed that "In the meanwhile, it is clarified that Reserve Bank of India shall not grant any permission to the foreign law firms to open liaison offices in India under Section 29 of the Foreign Exchange Regulation Act, 1973. It is also clarified that the expression 'to practice the profession of law' under Section 29 of the Advocates Act, 1961 covers the persons practicing litigious matters as well as non-litigious matters other than contemplated in para 63(ii) of the impugned order and, therefore, to practice in non-litigious matter in India, the foreign law firms, by SLP (Civil) Nos. 17150-17154/2012 whatever name called or described, shall be bound to follow the provisions in the Advocates Act, 1961."

(d) : No Madam.

(e) : Does not arise.